

FEB 23 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

KHALIF ABDUL-MATEEN,	)	CASE NO. 7:11CV00051
	)	
Plaintiff,	)	
	)	ORDER
vs.	)	
	)	
	)	
VICKI PHIPPS, <u>ET AL.</u> ,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Defendants.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. Plaintiff's motion to amend to rephrase his request for relief in the complaint is **GRANTED**, and the complaint is amended as stated in the motion (ECF No. 45);
2. Nurse Phipps' motion to dismiss (ECF No. 19) is **GRANTED IN PART AND DENIED IN PART**, such that the motion is **DENIED** as to plaintiff's claims for injunctive relief under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), against Phipps in her official capacity, and as to his claims for monetary damages under § 1983, against Phipps in her individual capacity, for violating plaintiff's right to free exercise of his religious beliefs; but Phipps' motion is otherwise **GRANTED**;
3. Plaintiff's motion for partial summary judgment (ECF No. 33) is **TAKEN UNDER ADVISEMENT**; and
4. Defendant Phipps is **DIRECTED** to submit within ten (10) days from entry of this order (a) her response to plaintiff's motion for partial summary judgment (ECF No. 33) and any

additional dispositive motion on her own behalf; and plaintiff will then have ten (10) days thereafter to respond to Phipps' submissions.

The clerk will send a copy of this order to plaintiff and to counsel of record for the defendants.

**ENTER:** This 22<sup>d</sup> day of February, 2012.

A handwritten signature in black ink, appearing to read "Jon Conrad".

\_\_\_\_\_  
Chief United States District Judge